

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

TERESA MILLER,

Plaintiff,

v.

WALMART, INC.,

Defendant.

Case No. 2:23-cv-00079-GMN-EJY

ORDER

Pending before the Court is Plaintiff's filing at ECF No. 26. In her filing, Plaintiff contends she has received no notices or phone calls (it is not entirely clear from whom she was expecting either) between August 21, 2022 and December 14, 2023, and the case has gone on without her.

The Court is unsure what Plaintiff seeks; however, the Court notes that on April 17, 2023, the Court granted Plaintiff's counsel's Motion to Withdraw after no opposition was received from Plaintiff. ECF No. 20. In that Order, the Court required Plaintiff's former counsel to mail a copy of the Order to Plaintiff at her last known address. *Id.* There was no activity in the case until November 7, 2023, when Walmart filed a Motion to Dismiss that was mailed to Plaintiff on that same date. ECF No. 21. Also on November 7, 2023, the Court entered a Minute Order regarding the Motion to Dismiss, which was ultimately returned as undeliverable. ECF Nos. 22, 23. This was the first and only time a document mailed to Plaintiff by the Court was returned as undeliverable. On December 14, 2023, Plaintiff filed a change of address along with the document addressed in this Order. ECF Nos. 25, 26.

Plaintiff's response to Walmart's Motion to Dismiss was due on November 21, 2023. LR 7-2(b). However, given Plaintiff is *pro se* and claims she did not receive notification of the Motion to Dismiss until December 14, 2023, the Court *sua sponte* will allow Plaintiff to respond to the Walmart's Motion no later than **January 5, 2024**. No further extensions of time will be granted absent extraordinary unforeseen circumstances.

1 Accordingly, IT IS HEREBY ORDERED that the Clerk of Court is ordered to remove the
2 gavel from Plaintiff's filing at ECF No. 26 as the filing is not a motion and any issues raised therein
3 are addressed by this Order.

4 IT IS FURTHER ORDERED that the Clerk of Court **must** update Plaintiff's address on the
5 docket.

6 IT IS FURTHER ORDERED that the Clerk of Court **must** mail a copy of this Order and
7 Walmart's Motion to Dismiss (ECF No. 21) to Plaintiff at her new address.

8 IT IS FURTHER ORDERED that Plaintiff shall have through and including **January 5, 2024**
9 to file a response to Walmart's Motion to Dismiss. No further extension will be granted absent
10 extraordinary unforeseen circumstances.

11 IT IS FURTHER ORDERED that Plaintiff's response must comply with Local Rule 7-3(a)
12 allowing no more than 24 pages long.

13 DATED this 15th day of December, 2023.

14
15 
16 ELAYNA J. YOUCHAH
17 UNITED STATES MAGISTRATE JUDGE
18
19
20
21
22
23
24
25
26
27
28